

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

Vinci Brands LLC,
Plaintiff,

v.

Coach Services, Inc., Kate Spade LLC,
Tapestry, Inc., and Case-Mate, Inc.,
Defendants.

Civil Action No. 1:23-cv-05138-LGS

Coach Services, Inc. and Kate Spade LLC,
Plaintiffs,

v.

Vinci Brands LLC and ACS Group
Acquisitions LLC,
Defendants.

Civil Action No. 1:23-cv-05409-LGS¹

**DECLARATION OF JACQUELYNNE DE LAGARDE IN SUPPORT OF RENEWED
MOTION FOR LEAVE TO FILE JUNE 17, 2021 LETTER, MARCH 20, 2023 NOTICE
OF NON-PAYMENT, MARCH 22, 2023 LETTER, AND Q3 2023 ROYALTY REPORT
UNDER SEAL**

I, Jacquelynne de Lagarde, declare under penalty of perjury, pursuant to 28 U.S.C. § 1746, that the following facts are true and correct:

1. I am a Vice President, Global Licensing for kate spade new york, a brand which is owned by Tapestry, Inc. (“Tapestry”). Kate Spade LLC (“Kate Spade”) and Coach Services, Inc. (collectively, and together with Tapestry, “KSNY”) are both subsidiaries of Tapestry.

2. I submit this Declaration on behalf of KSNY in support of their motion for leave to seal portions of the (i) June 17, 2021 Letter, (ii) March 20, 2023 Notice of Non-Payment, (iii)

¹ The captions of both actions, 23-cv-05138 and 23-cv-05409, are included for convenience only and do not reflect a request or consent to consolidation under Fed. R. Civ. P. 42.

March 22, 2023 Letter, and (iv) Q3 2023 Royalty Report (“Exhibits”) in the above-captioned actions (“Actions”).

3. A copy of the June 17, 2021 Letter in unredacted form, with proposed redactions highlighted, is attached as Exhibit A. A copy of the redacted June 17, 2021 Letter for public filing is attached as Exhibit B.

4. A copy of the March 20, 2023 Notice of Non-Payment in unredacted form, with proposed redactions highlighted, is attached as Exhibit C. A copy of the redacted March 20, 2023 Notice of Non-Payment for public filing is attached as Exhibit D.

5. A copy of the March 22, 2023 Letter in unredacted form, with proposed redactions highlighted, is attached as Exhibit E. A copy of the redacted March 22, 2023 Letter for public filing is attached as Exhibit F.

6. A copy of the Q3 2023 Royalty Report in unredacted form, with proposed redactions highlighted, is attached as Exhibit G. A copy of the redacted Q3 2023 Royalty Report for public filing is attached as Exhibit H.

7. The information sought to be sealed in the Exhibits is commercially sensitive and the redactions are narrowly targeted at such protecting information.

8. The information highlighted in yellow and tagged with the number (1) reflects sensitive financial information, including licensing and other fees, guaranteed minimum sales obligations, and sales and royalty data. The information highlighted in blue and tagged with the number (2) reflects information about manufacturers, suppliers, and distributors.

9. Disclosure of the aforementioned financial information, which reflects commercially sensitive deal terms that were a product of extensive negotiations between KSNY and Vinci, would threaten KSNY’s competitive advantage by revealing such terms and data to

prospective licensees in the marketplace with whom KSNY may later enter into an agreement. Disclosure of the information about manufacturers, suppliers, and distributors of KSNY-branded products would cause KSNY competitive harm and is commercially sensitive because the information was developed over years of relationship-building in the licensing industry and concerns third parties not involved in this action.

10. The information sought to be sealed in the Exhibits is also protected by Section 15 of the License Agreement by and between Kate Spade LLC and Vinci's predecessor, Incipio Technologies, Inc. dated as of April 25, 2014 (collectively, with all amendments thereto, "License Agreement"). Section 15 of the License Agreement recites confidentiality provisions that cover and limit the use and disclosure of the terms of the License Agreement and of certain other information of a business, financial and/or technical nature.

11. There is good cause, as well as compelling circumstances, that justify sealing the Exhibits because the information to be sealed contains sensitive commercial information.

12. Accordingly, KSNY respectfully requests that the Court grant its Motion.

Dated: New York, New York
October 11, 2023

By:



Jacquelynn de Lagarde